

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC HACKETT,) CV F 01 5997 REC SMS HC
Petitioner,) ORDER DISMISSING PETITIONER'S
v.) EMERGENCY MOTION ON DOUBLE
DON TAYLOR, et al.,) JEOPARDY
Respondents.) [Doc. #72]

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On May 5, 2005, Petitioner filed a pleading entitled "Emergency Motion on Double Jeopardy under Conditional Plea Agreement and Exhauastion [sic] of State Remedies pursuant to 28 U.S.C. § 1291." The Court has no idea what Petitioner is seeking with this motion. Petitioner cites to § 1291; however, this code deals with final decisions of the district courts, and no final decision has been rendered in this case. If Petitioner seeks review of the merits of the case, he is advised that the case is still in the pleading stage. A traverse, if any, is due on or before May 24, 2005.

Accordingly, Petitioner's motion is DISMISSED.

IT IS SO ORDERED.

Dated: May 12, 2005
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE